



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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October 20, 2016

West Range Morgantown, LLC
c/o John Freudenthal
Quality Structures
14109 Ballantyne Country Club Drive
Charlotte, NC 28277

**RE: V16-36 / West Range Morgantown, LLC / 117 Belmar Avenue
Tax Map 20, Parcel 653**

Dear Mr. Freudenthal,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1365.04 as it relates to minimum parking requirements at 117 Belmar Avenue.

The decision is as follows:

Board of Zoning Appeals, October 19, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted variance relief of 32 parking stalls as requested with the following conditions:
 - a. Unless City Administration determines conditional use approval is not required for the proposed renovations and intended use of the subject building at 117 Belmar Avenue, conditional "Fraternity or Sorority House" use must be granted by the Board under Case No. CU16-13 and conditions set forth therein observed.
 - b. The number of residents with the subject building may not exceed 36 persons without further parking related variance relief by the Board, if applicable.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact
V16-36 / West Range Morgantown, LLC / 117 Belmar Avenue

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed parking layout appears to maximize parking stall yield given existing site conditions, which appears to provide a higher degree of on-site parking than the majority of neighboring “Fraternity or Sorority House” uses. It is anticipated that the majority of visitors utilizing the building’s meeting rooms (assembly areas) will come by other means of transport other than by car.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The site is limited by area and topography to practically provide the full 67 required parking spaces. The proposed parking layout appears to maximize parking stall yield given existing site conditions. The majority of requisite parking is based on the square footage of the meeting rooms (assembly areas) rather than simply the number of residents.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The majority of requisite parking is based on the square footage of the meeting rooms (assembly areas) rather than simply the number of residents. Variance relief will permit the condemned building to receive significant investment through renovations and placed back into contributing service as the fraternity house it was originally intended.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

This building has always been a fraternity house. It is at the top of *fraternity row* and appears to have more parking as proposed than neighboring fraternities.